

### **836 IAC 1-1-3 Request for waiver**

Authority: IC 16-31-2-7

Affected: IC 16-31-2-11; IC 16-31-3-5

Sec. 3. (a) The commission shall waive any rule for a person who provides emergency ambulance service, an emergency medical technician, an emergency medical technician-basic advanced, an emergency medical technician-intermediate, a paramedic, or an ambulance when operating from a location in an adjoining state by contract with an Indiana unit of government to provide emergency ambulance or medical services to patients who are picked up or treated in Indiana. To receive such a waiver, an applicant shall submit the following:

- (1) An application that shall include the following information:
    - (A) Organizational structure, including name, address, and phone number for the owner, chief executive officer, chief operations officer, training officer, and medical director.
    - (B) A description of the service area.
    - (C) Hours of operation.
    - (D) Proof of insurance coverage in amounts as specified in 836 IAC 1-3-6.
    - (E) Other information as required by the commission.
  - (2) A copy of the contract with the Indiana unit of government. This contract shall describe the emergency medical services that are to be provided.
  - (3) A list of the rule or rules for which the applicant is requesting a waiver.
- (b) The commission may waive any rule, including a rule establishing a fee, for a person who submits facts demonstrating that:
- (1) compliance with the rule will impose an undue hardship on the person; and
  - (2) either:
    - (A) noncompliance with the rule; or
    - (B) compliance with an alternative requirement approved by the commission; will not jeopardize the quality of patient care. However, the commission may not waive a rule that sets forth educational requirements for a person regulated under this article.
- (c) A waiver granted under subsection (b)(2)(B) is conditioned upon compliance with the alternative requirement approved under subsection (b).
- (d) A waiver granted under subsection (a) or subsection (b) expires on the earlier of the following:
- (1) The date established by the commission when the waiver is granted.
  - (2) Two (2) years after the date the commission grants the waiver.
- (e) The commission may renew a waiver if the person makes the same demonstration required for the original waiver.
- (f) The commission may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:
- (1) Service in the armed forces of the United States during a substantial part of the renewal period.
  - (2) An incapacitating illness or injury.
- (3) Other circumstances determined by the commission.

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### **Procedure**

In compliance with these rules, to request a 'Waiver to Submit Continuing Education after the Certification Expiration Deadline'; you must write a letter addressed to the EMS Commission and send it to IDHS (address listed on EMS home page). The letter must contain

- 1) Your name and PSID number
- 2) Your contact information (address, phone, e-mail)
- 3) Purpose (such as verbiage stated in 'Waiver... ' above)
- 4) Rule (pertaining to your certification level) you are requesting waived [IAC 836 Article 4](#)
- 5) What your reason was for not complying with the rule
- 6) What hardship you will suffer if waiver is not granted
- 7) Attached completed & signed Continuing Education Report

**NOTE: Waivers for individual Certifications must be submitted by the individual, not a third party**